

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Antonio Charles Aguilar

Case Number: 0980 2:13CR02122-TOR-1

Address of Offender: [REDACTED] Washington 98951

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: July 22, 2014

Original Offense: Crime on Indian Reservation - Abusive Sexual Contact, 18 U.S.C. § 1153 & 2244(a)(2)

Original Sentence: Prison - 36 months; TSR - 60 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Shawn N. Anderson

Date Supervision Commenced: August 18, 2016

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: August 17, 2021

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Aguilar failed to reported to the United States Probation Office within the first 5 days of December 2016, and January 2017, as instructed.

Mr. Aguilar completed an initial intake with the probation office on August 22, 2016. During that meeting the conditions of supervision were reviewed with him and he was instructed to report to the probation office within the first five days of every month. Mr. Aguilar stated he understood and agreed to report as directed.

On December 12, 2016, this officer received a police report from Yakama Nation Tribal Police Department (YNTPD), number 16-010843. In the report it states YNTPD made contact with Mr. Aguilar after receiving a suspicious person call. Mr. Aguilar told officers he was at the residence because someone who lived there promised him a red Cadillac. When officers ran Mr. Aguilar, they found he had a warrant for failure to appear on a commercial fishing violation. Mr. Aguilar was booked into Yakama Nation Tribal Jail on December 2, 2016, for the above-referenced warrant.

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On December 12, 2016, this officer called Mr. Aguilar's mother, who confirmed he was in custody and asked her to advise Mr. Aguilar to report to this officer within 24 hours of his release; however, if he was released on a Friday, then he could report the following Monday. She stated she would relay the message to him. Mr. Aguilar was released from custody on Friday, December 16, 2016, and failed to report the following Monday.

On December 29, 2016, this officer attempted to make contact with Mr. Aguilar at his residence; however, he was not home and contact was made with his nephew. This officer provided a business card and ask the nephew to have Mr. Aguilar call the probation office the next morning. Mr. Aguilar failed to call as directed.

On January 9, 2017, this officer called Mr. Aguilar and asked him why he had yet to report for January 2017. Mr. Aguilar stated he did not have a ride. This officer asked him if he could coordinate a ride by 4 p.m. on January 10, 2017, to which he replied, "yes." Mr. Aguilar failed to report as directed. On January 11, 2017, this officer contacted Mr. Aguilar's mother and she agreed to drive him to the probation office. On January 12, 2017, the offender reported for an office visit.

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Special Condition # 22: You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On January 12, 2017, Mr. Aguilar provide a urinalysis sample which yielded a presumptive positive result for Tetrahydrocannabinol (THC).

On January 12, 2017, Mr. Aguilar reported to the probation office. A urinalysis sample was collected which yielded a presumptive positive result for Tetrahydrocannabinol (THC). Mr. Aguilar admitted to using marijuana on or about this date and signed a drug use admission form.

When questioned as to why he used, Mr. Aguilar became emotional and stated his home life was not good at the moment. He reported his nephews recently moved in and were consuming a lot of alcohol, which is his substance of choice. Mr. Aguilar stated he wanted to get into a half-way house and was under the impression he needed to "fall off the wagon" before they would accept him. He indicated he used marijuana simply to meet the criteria to get into the half-way house. This officer informed Mr. Aguilar the information he received was false and that it was not necessary for him to relapse in order to get into a half-way house. Mr. Aguilar was then instructed to immediately stop consuming marijuana.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 20, 2017

s/Jonathan G. Barcom

Jonathan G Barcom

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

January 23, 2017

Date